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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,542	07/30/2003	Jen-Shou Tseng	9585-0425	1541
73552	7590	03/07/2008	EXAMINER	
Stolowitz Ford Cowger LLP 621 SW Morrison St Suite 600 Portland, OR 97205			SAFAIPOUR, HOUSHANG	
ART UNIT	PAPER NUMBER			
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/604,542	<b>Applicant(s)</b> TSENG, JEN-SHOU
	<b>Examiner</b> HOUSHANG SAFAIPOUR	<b>Art Unit</b> 2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 January 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-146/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

**DETAILED ACTION**

*Response to Amendment*

Applicant's amendment filed on January 7, 2008 has been entered.

*Response to Arguments/Remarks*

Applicant's arguments with respect to the claims have been reviewed and are moot in view of new grounds of rejection necessitated by applicant's amendment.

*Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-6, 8, 10-22 and 24-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Batten et al. (US 6,614,563).

Regarding claims 1, 8 and 21, Batten et al. discloses a scanning method applicable for use in a flatbed scanner having an original document plane for placing a document (figs. 1 and 2), the method comprising:

providing a plane light source (panel illuminator 104) with a distribution range covering a region of the document (transparency 106) to be scanned (figs. 1 and 2, col. 3 lines 19-46);

using an optical scan module of the flatbed scanner to scan the original document (106) plane to read and obtain the distribution range of the plane light source (104); and using the

optical scan module (scanner optics) to scan the region covered by the distribution range to extract an image of the document (col. 3 lines 29-40).

Regarding claims 3 and 10, Batten et al. discloses the method according to claim 1, wherein the step of providing the plane light source includes providing an external transparency adapter (abstract).

Regarding claims 4 and 11, Batten et al. discloses the method according to claim 3, wherein the step of providing the plane light source includes providing the external transparency adapter over the original document plane (fig. 1).

Regarding claims 5 and 12, Batten et al. discloses the method according to claim 1, wherein the step of providing the plane light source includes providing a built-in transparency adapter (fig. 2).

Regarding claims 6 and 13, Batten et al. discloses the method according to claim 5, wherein the step of providing the plane light source includes providing the built-in transparency adapter over the original document plane (fig. 2).

Regarding claim 15, Batten et al. discloses the method according to claim 1, where the document is a transparent document (106); and further comprising disposing the transparent document on the original document plane (fig. 1, col. 3 lines 29-40).

Regarding claims 16, 18 and 19, Batten et al. discloses the method according to claim 1, where using the optical scan module to scan the region covered by the distribution range to extract the image of the document scans solely the region covered by the distribution range (fig. 1, col. 3 lines 29-40).

Regarding claims 17 and 20, Batten et al. discloses the method according to claim 1, where using the optical scan module to scan the original document plane comprises moving the optical scan module along the original document plane (figs. 1 and 2 col. 3 lines 19-46).

Regarding claim 22, Batten et al. discloses the scanning apparatus of claim 21, where the optical scan module is further enabled to scan a reflective document (col. 5 lines 17-21).

Regarding claim 24, Batten et al. discloses the scanning apparatus of claim 21, further comprising the plane light source (104).

Regarding claim 25, Batten et al. discloses the scanning apparatus of claim 24, where the plane light source comprises an external transparency adapter, the external transparency adapter disposed over the original document plane (fig. 1).

Regarding claim 26, Batten et al. discloses the scanning apparatus of claim 24, where the plane light source comprises a built-in transparency adapter, the built-in transparency adapter disposed over the original document plane (fig. 2).

Regarding claim 27, Batten et al. discloses the scanning apparatus of claim 24, where the plane light source is mounted to a top lid of the scanning apparatus (fig. 1).

Regarding claim 28, Batten et al. discloses the scanning apparatus of claim 21, where the distribution coverage is as large as a scan window of the scanning apparatus (figs. 1 and 2).

Regarding claim 29, Batten et al. discloses the scanning apparatus of claim 21, where the optical scan module is further enabled to perform the scan to extract the image of the transparent document solely within the distribution coverage of the plane light source (col. 3 lines 19-46).

Regarding claim 30, Batten et al. discloses the scanning apparatus of claim 21, where the scanning apparatus is operable to scan the transparent document without use of a transparent film holder (col. 3 lines 19-46).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Batten et al. (US 6,614,563).

Regarding claims 2 and 9, Batten et al. discloses a panel illuminator (104) disposed over the original document plane, therefore, enabling positioning of the transparent document (106) at an arbitrary position with an arbitrary angle on the original document plane.

5. Claims 7, 14 and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Batten et al. (US 6,614,563) and further in view of Haas et al. (US 6,989,918).

Regarding claims 7, 14 and 23, Batten et al. does not explicitly disclose the step of using the optical scan module to scan the region covered by the distribution range further comprises providing a calibration window, so that when light emitted from the optical scan module goes through the calibration window, the calibration window can be used to calibrate the plane light source. Haas et al. discloses transparency adapter provided with a calibration window 98 to allow

for sampling of the light (col. 6 lines 34-37). Therefore it would have been obvious to a person of ordinary skill in the art to provide such window in Batten's scanner for illumination intensity adjustments.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Houshang Safaipour whose telephone number is (571)272-7412. The examiner can normally be reached on Mon.-Fri. from 6:00am to 2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (571)272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Houshang Safaipour/  
Primary Examiner, Art Unit 2625